

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is disabled and receives Social Security Disability benefits in the amount of \$1,216 per month.
2. The Department sent petitioner a Notice of Decision dated February 10, 2009 terminating her eligibility under the Medicaid Working People with Disabilities program because petitioner was no longer employed. The effective date of the termination was February 28, 2009.

3. The Department determined whether petitioner met the eligibility criteria for any of the other medical programs. The Department found that petitioner was over-income for SSI (disability) related Medicaid but that she could qualify for this program after incurring a spend-down of \$1,164 for the period of March 1 through August 31, 2009.

4. Petitioner filed an appeal on April 28, 2009.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, all earned and unearned income is included in determining financial eligibility. M240. Because the Social Security and Medicaid programs include incentives to encourage disabled individuals to work, the income guidelines are higher for those individuals. M200.24, Procedures P-2420B. Petitioner benefited from these incentives when she was employed by falling under the umbrella of the exceptions for Working People with Disabilities.

When petitioner stopped working, she was no longer eligible for Medicaid under the Working People with Disabilities Program. At that point, the Department needed

to determine whether petitioner was eligible for any other medical program.

Petitioner's Social Security disability income of \$1216 per month is considered unearned income. The Department applied the unearned income disregard of \$20 leaving \$1,196 countable income. The maximum income limit for a household of one is \$991 per month. The Department correctly determined that the petitioner is subject to a six month spend-down period before she can become eligible for Medicaid.

Because the Department correctly followed the applicable regulations, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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